

HOUSE BILL NO. 5

INTRODUCED BY KASTEN

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION AND THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2005; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; EXEMPTING THE OLD MAIN BUILDING PROJECT AT THE MONTANA VETERANS' HOME IN COLUMBIA FALLS FROM THE CONTRACTOR REGISTRATION REQUIREMENTS IN TITLE 39, MCA, AND FROM THE BIDDING AND BONDING REQUIREMENTS IN TITLE 18, MCA; CLARIFYING THAT PORTIONS OF THE WORK PERFORMED WITH DONATED LABOR ON THE OLD MAIN BUILDING PROJECT ARE NOT SUBJECT TO THE REQUIREMENTS OF SECTION 18-2-403, MCA; PROVIDING THAT FOR THE PURPOSE OF FOSTERING PRIVATE EFFORTS TO RESTORE, MAINTAIN, AND DEVELOP THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME, THE DEPARTMENT OF ADMINISTRATION MAY WAIVE REQUIREMENTS PERTAINING TO BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, TO LABOR REQUIREMENTS IN TITLE 18, MCA, AND TO CONTRACTOR REGISTRATION IN TITLE 39, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 12], unless otherwise stated, the following definitions apply:

- (1) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 12].
- (2) "LRBP" means the long-range building program account in the capital projects fund type.
- (3) "Other funding sources" means money other than LRBP money, including special revenue fund money, which accrues to an agency under the provisions of law.

NEW SECTION. **Section 2. Capital projects appropriations.** (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is



1 authorized to transfer the appropriated money among the necessary fund types for these projects:

2	Agency/Project	LRBP	Other Funding Sources
3	DEPARTMENT OF ADMINISTRATION		
4	Roof Repair and Replacement, Statewide	\$956,000	
5	Code/Deferred Maintenance & Disability Access, Statewide	550,000	
6		480,000 515,000	
7	Repair/Replace Deteriorated Campus Infrastructure, Statewide	300,000	<u>300,000 AUXILIARY FUNDS</u>
8	Capitol Renovation Arbitration	305,000	
9	<u>HAZARDOUS MATERIAL MITIGATION FUND, STATEWIDE</u>	<u>220,000</u>	
10	State Public Health Laboratory		1,474,000 Federal Special
11			Revenue
12	Upgrades, Phase 2		
13	Repair Front Stairs, State Capitol		400,000 Capitol Land Grant
14			Revenue
15			130,000 Federal Special Revenue
16	Land Acquisition, Capitol Complex		600,000 Capitol Land Grant
17			Revenue
18	DEPARTMENT OF CORRECTIONS		
19	Dairy Expansion, Montana State Prison		725,000 Proprietary Funds
20	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
21	Hatchery Maintenance, Statewide		575,000 State Special
22			Revenue
23			575,000 Federal Special Revenue
24	Montana Wildlife Rehabilitation and Nature Center Complex		100,000 State Special Revenue
25			500,000 Federal Special Revenue
26			2,600,000 Donations
27	Administrative Facilities Repair and Maintenance		800,000 State Special Revenue
28	DEPARTMENT OF MILITARY AFFAIRS		
29	Federal Spending Authority		2,000,000 Federal Special
30	Revenue		

1	Reroof Armories Statewide		90,212 Federal Special Revenue
2	MONTANA UNIVERSITIES AND COLLEGES		
3	Replace Primary Electrical Radial System, UM-Butte	170,500	190,000
4		<u>240,500</u>	<u>120,000</u> Auxiliary Funds
5	<u>REPLACE/UPDATE HEALTH SCIENCES HVAC, UM-MISSOULA</u>	<u>202,000</u>	
6	<u>RECONSTRUCT CANAL BRIDGE, MSU-BILLINGS</u>	<u>150,000</u>	<u>150,000</u> FEDERAL SPECIAL
7			<u>REVENUE, DONATIONS, GRANTS,</u>
8			<u>STATE FUNDS, AND HIGHER</u>
9			<u>EDUCATION FUNDS</u>
10	<u>SCHEMATIC DESIGN, UM-HELENA COLLEGE OF TECHNOLOGY</u>	<u>175,000</u>	
11	<u>ADDITION TO SKAGGS BUILDING, UM-MISSOULA</u>		<u>11,500,000</u> FEDERAL SPECIAL
12			<u>REVENUE, DONATIONS, GRANTS,</u>
13			<u>STATE FUNDS, AND HIGHER</u>
14			<u>EDUCATION FUNDS</u>
15	<u>CROWN OF THE CONTINENT ECOSYSTEM INTERPRETIVE</u>		
16	<u>CENTER AND NATURAL TRAIL, YELLOW BAY</u>		<u>3,700,000</u> FEDERAL SPECIAL
17			<u>REVENUE, DONATIONS, GRANTS,</u>
18			<u>STATE FUNDS, AND HIGHER</u>
19			<u>EDUCATION FUNDS</u>
20	<u>HERRICK HALL RENOVATION, MSU-BOZEMAN</u>		<u>10,000,000</u> FEDERAL SPECIAL
21			<u>REVENUE, DONATIONS, GRANTS,</u>
22			<u>STATE FUNDS, AND HIGHER</u>
23			<u>EDUCATION FUNDS</u>
24	<u>SHERRICK HALL RENOVATION, MSU-BOZEMAN</u>		<u>5,000,000</u> FEDERAL SPECIAL
25			<u>REVENUE, DONATIONS, GRANTS,</u>
26			<u>STATE FUNDS, AND HIGHER</u>
27			<u>EDUCATION FUNDS</u>
28	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
29	<u>UPGRADE SPRATT BUILDING AND CAMPUS</u>		
30	<u>ELECTRICAL, MSH-WARM SPRINGS</u>	<u>218,000</u>	

1	Demolish Old Dormitory at Montana Veterans' Home,	
2	Columbia Falls	231,600 State Special Revenue
3	Renovate Historic "Old Main" Building at Montana Veterans'	
4	Home, Columbia Falls	2,252,000 State Special
5		Revenue, Federal Special
6		Revenue, Donations, and
7		Grants

8 DEPARTMENT OF TRANSPORTATION

9	New Equipment Storage Facilities, Statewide	3,000,000
10		<u>2,725,000</u> State Special Revenue

11 ~~———(2) To the extent allowed by any grant agreement, the department of administration may exempt the old~~
 12 ~~main building project at the Montana veterans' home in Columbia Falls from the contractor registration~~
 13 ~~requirements in Title 39 and the bidding and bonding requirements in Title 18. Portions of the work performed~~
 14 ~~with donated labor are not subject to the requirements of 18-2-403.~~

15 (2) (A) THE DEPARTMENT OF ADMINISTRATION, FOR THE PURPOSE OF FOSTERING THE RESTORATION,
 16 MAINTENANCE, AND FURTHER DEVELOPMENT OF THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME IN COLUMBIA
 17 FALLS, MAY WAIVE, IN WHOLE OR IN PART, THE REQUIREMENTS PERTAINING TO:

- 18 (I) BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE ~~39~~ 18;
- 19 (II) LABOR REQUIREMENTS IN TITLE 18; AND
- 20 (III) CONTRACTOR REGISTRATION IN TITLE 39.

21 (B) THE WAIVER PURSUANT TO SUBSECTION (2)(A) MAY BE EXERCISED IN THE FOLLOWING CIRCUMSTANCES:

- 22 (I) TO OBTAIN THE VOLUNTEER SERVICES AND DONATED MATERIALS FROM MEMBERS OF THE PUBLIC, CIVIC
 23 ORGANIZATIONS, AND OTHER FEDERAL, STATE, OR LOCAL GOVERNMENTAL ENTITIES;
- 24 (II) TO OBTAIN THE COMPENSATED SERVICES OF CONTRACTORS THAT ARE DONATING SIGNIFICANT AMOUNTS OF
 25 LABOR, TIME, AND MATERIALS; AND
- 26 (III) TO MEET THE TERMS AND CONDITIONS FOR RECEIPT OF MAJOR SUMS OF MONEY FROM PRIVATE OR PUBLIC
 27 FUNDING SOURCES, INCLUSIVE OF INDIVIDUAL DONORS.

28
 29 NEW SECTION. Section 3. Capital improvements. (1) The following money is appropriated to the
 30 department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements

1 to statewide facilities:

2 Agency/Project	LRBP	Other Funding Sources
3 Future Fisheries		\$910,000 State Special
4		Revenue
5 Fishing Access Site Maintenance, Statewide		275,000 State Special
6		Revenue
7 Fishing Access Site Protection, Statewide		600,000 State Special Revenue
8 Community Fishing Ponds		50,000 Federal Special Revenue
9 Upland Game Bird Program		2,300,000 State Special Revenue
10 Wildlife Habitat Maintenance		800,000 State Special Revenue
11 Migratory Bird Stamp Program		225,000 State Special Revenue
12 Motorboat Recreation Site Improvements		1,250,000 State Special Revenue

13 THE APPROPRIATION FOR MOTORBOAT RECREATION SITE IMPROVEMENTS MUST INCLUDE THE FOLLOWING ROAD
 14 IMPROVEMENT PROJECTS: \$100,000 FOR MISCELLANEOUS CHIP SEAL PROJECTS AT THOMPSON FALLS, LOGAN, WEST
 15 SHORE, AND LAKE MARY RONAN RECREATIONAL SITES; \$60,000 FOR COONEY RESERVOIR STATE PARK; AND \$200,000
 16 FOR HELL CREEK STATE PARK.

17 Cultural and Historic Park Improvements		800,000 State Special Revenue
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18 THE APPROPRIATION FOR CULTURAL AND HISTORIC PARK IMPROVEMENTS MUST INCLUDE THE FOLLOWING ROAD
 19 IMPROVEMENT PROJECTS: \$60,000 FOR GIANT SPRINGS STATE PARK; \$100,000 FOR TRAVELERS' REST STATE PARK;
 20 \$80,000 FOR CLARK'S LOOKOUT STATE PARK; AND \$200,000 FOR ULM PISHKUN STATE PARK.

21 Land and Water Conservation Fund Grants		2,900,000 Federal Special
22		Revenue
23 Federal Trails Grants		1,900,000 Federal Special
24		Revenue
25 Off-Highway Vehicle Trails Grants		375,000 State Special Revenue
26 Federal Wallop/Breaux Projects		1,500,000 Federal Special
27		Revenue

28 (2) The following money is appropriated to the university of Montana in the indicated amount for the
 29 purpose of making capital improvements to campus facilities:

30 Agency/Project	LRBP	Other Funding Sources
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1 General Spending Authority, All Campuses \$3,500,000 Federal Special
 2 Revenue, Donations, Grants,
 3 STATE FUNDS, AND HIGHER
 4 EDUCATION FUNDS

5 (3) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE UNIVERSITY IN THE INDICATED AMOUNT FOR
 6 THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO CAMPUS FACILITIES:

<u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>OTHER FUNDING SOURCES</u>
8 <u>GENERAL SPENDING AUTHORITY, ALL CAMPUSES</u>		<u>\$2,500,000 FEDERAL SPECIAL</u>
9		<u>REVENUE, DONATIONS, GRANTS,</u>
10		<u>STATE FUNDS, AND HIGHER</u>
11		<u>EDUCATION FUNDS</u>

12 ~~(3)~~(4) The following money is appropriated to the department of transportation in the indicated amount
 13 for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
15 Facility Maintenance, Repair, and Small Projects, Statewide		\$2,000,000
16		<u>\$1,620,860 State Special</u>
17		Revenue

19 NEW SECTION. Section 4. Land acquisition appropriations. The following money is appropriated
 20 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
 21 leasing, easement purchase, or development agreement:

Agency/Project	LRBP	Other Funding Sources
23 Fishing Access Site Acquisition, Statewide		\$550,000 State Special
24		Revenue
25		200,000 Federal Special Revenue
26 Habitat Montana		6,900,000 State Special
27		Revenue
28 Big Horn Sheep Enhancements		75,000 State Special Revenue
29 <u>BRUSH LAKE ACQUISITION</u>		<u>180,000 STATE SPECIAL REVENUE</u>

30

1 **NEW SECTION. Section 5. Dams.** (1) The following money is appropriated to the department of fish,
 2 wildlife, and parks in the indicated amount for department dams:

3 Agency/Project	LRBP	Other Funding Sources
4 FWP Dams Repair		500,000 State Special
		6 Revenue

7 (2) In accordance with 85-1-101, the department of natural resources and conservation shall coordinate
 8 and manage the projects.

9 **NEW SECTION. Section 6. Transfer of funds.** The department of fish, wildlife, and parks and the
 10 department of transportation are authorized to transfer money appropriated in [sections 3 through 5] among fund
 11 types.

12
 13 **NEW SECTION. Section 7. Capital land grant revenue.** (1) The appropriation of \$530,000 to the
 14 department of administration to repair the front stairs of the state capitol building consists of \$400,000 of state
 15 capitol land grant revenue and \$130,000 of federal community transportation enhancement program special
 16 revenue (CTEP). If CTEP revenue falls below this amount, the shortfall must be funded with capitol land grant
 17 revenue, if available, and the federal authority will be reduced by a like amount. The department is authorized
 18 to transfer money appropriated for this purpose between the two fund types.

19 (2) The appropriation of \$600,000 in capitol land grant revenue to the department of administration for
 20 capitol complex land acquisition is the last priority for use of these funds during the 2005 biennium and is
 21 dependent upon the availability of revenue. If necessary, both of these projects may be phased in as capitol land
 22 grant revenue becomes available.

23
 24 **NEW SECTION. Section 8. Planning and design.** The department of administration may proceed with
 25 the planning and design of capital projects prior to the receipt of other funding sources. The department may
 26 use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt
 27 of other funding sources.

28
 29 **NEW SECTION. Section 9. Capital projects -- contingent funds.** If a capital project is financed, in
 30 whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of

1 administration may not let the projects for bid until the agency has submitted a financial plan for approval by the
2 director of the department of administration. A financial plan may not be approved by the director if:

3 (1) the level of funding provided under the financial plan deviates substantially from the funding level
4 provided in [sections 2 through 5] for that project; or

5 (2) the scope of the project is substantially altered or revised from the preliminary plans presented for
6 that project in the 2005 biennium long-range building program presented to the 58th legislature.

7

8 **NEW SECTION. Section 10. Review by department of environmental quality.** The department of
9 environmental quality shall review capital projects authorized in [sections 2 through 5] for potential inclusion in
10 the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a
11 capital project will result in energy improvements, that project must be submitted to the energy conservation
12 program for funding consideration. Funding provided under the energy conservation program guidelines must
13 be used to offset or add to the authorized funding for the project, and the amount will be dependent on the
14 annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after
15 the review.

16

17 **NEW SECTION. Section 11. Sale of old Dillon armory.** The 57th legislature appropriated \$3,800,000
18 of federal special revenue and \$1,940,000 of bonds for construction of a new Dillon armory. All proceeds
19 derived from the sale of the national guard armory located in Dillon must be used to pay the general obligation
20 debt service on the bonds issued for construction of the new Dillon armory. The proceeds of the sale must be
21 deposited in the general fund for this purpose. In the event that the facility is sold prior to issuance of the bonds,
22 the board of examiners may use all or a portion of the amount deposited in the general fund to reduce the
23 amount of the bond issue required to finance the construction.

24

25 **NEW SECTION. Section 12. Legislative consent.** The appropriations authorized in [sections 1
26 through 11] constitute legislative consent for the capital projects contained in [sections 1 through 11] within the
27 meaning of 18-2-102.

28

29 **NEW SECTION. Section 13. Severability.** If a part of [this act] is invalid, all valid parts that are
30 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

1 the part remains in effect in all valid applications that are severable from the invalid applications.

2

3 NEW SECTION. **Section 14. Effective date.** [This act] is effective on passage and approval.

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